

## **5-7: M&G-1 MINING AND GRAZING ZONE**

### **A. DECLARATION OF LEGISLATIVE INTENT**

The M&G-1 Mining and Grazing Zone generally covers the dry mountain and desert areas of the county. Because of the limitations imposed by climate, topography, soil capability, inadequate water supply, and the presence of economically significant mineral deposits, this area has historically been utilized: (1) as a place for the grazing of livestock on the open range, (2) as the location of numerous mining and mineral exploration sites, and (3) as the location of activities and industrial operations which, because of their nature of operation, are not appropriate near urban centers.

The peculiar characteristics and conditions present in this area make the land most appropriately suited for a continuation of these uses. However, because of the limitations of the arid environment in the area, all permitted activities must be carried out in a manner consistent with those limitations.

It is hereby declared that the specific purposes and intent of the County Commission in establishing the M&G-1 Mining and Grazing Zone are:

1. To take advantage of and more fully implement the basic purposes for planning and zoning as set forth in Section 17-27-102 Utah Code Annotated 1953 and to implement the plans provided for in Section 17-27-301 of said Code.
2. To promote the conservation of water, land, mineral, and other resources.
3. To secure economy in governmental expenditures.
4. To ensure the development of adequate public facilities to match private development.
5. To foster the agricultural, livestock, and mining industries within the county.
6. To provide a location for certain types of uses which, due to odor, noise, danger, etc., are not compatible with urban development.

The specific regulations necessary for the accomplishment of the purposes outlined above are hereinafter set forth.

### **B. PERMITTED USES**

The following buildings, structures, and uses of land shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

1. Mines (underground and open pit); sand, gravel, topsoil and earth-products pits; and the attendant stockpiles and waste dumps located on the same lot as the mine or pit, subject to the provisions of zoning section 3-28.
2. Office, equipment storage, and other non-residential structures that are accessory to a permitted mine, or sand, gravel or clay pit when located on the same lot or adjoining land in the same ownership as the mine or pit.

3. Oil, gas and water wells, and appurtenant pumps and pumphouses.
4. The care and keeping of domestic livestock and fowl without restriction as to number; and barns, stables, corrals, feed yards, pens, coops, and other structures for the keeping of such livestock or fowl, subject to the provisions of zoning section 3-19.
5. The raising of mink, beaver, nutria, and similar furbearing animals, and the pens and sheds used in the raising of such animals, subject to the provisions of zoning section 3-19.
6. The production of fruit and crops in the field, and packing plants for fruit and vegetables raised on the premise.
7. Buildings, silos, and other structures for the storage and keeping of farm products and machinery.
8. Buildings and other structures for the fabrication and portion control (killing, skinning, and meat cutting) of domestic livestock and poultry raised on the premise.
9. Dairy farms, including an office or an office structure for the exclusive use of a dairy operation on the same parcel, and buildings and facilities for the process and packaging of milk produced on the premise, subject to the provisions of zoning section 3-19.
10. Apiaries and establishments for extracting and processing honey.
11. Kennels.
12. Fish hatcheries and the raising of fish.
13. Forest and plant nurseries and greenhouses.
14. Incidental produce stands, subject to the provisions of zoning section 3-39.
15. Buildings and pens for the sale of domestic livestock and poultry, and furbearing animals subject to the provisions of zoning section 3-19.
16. One-family dwellings and manufactured homes.
17. Residential accessory structures, when located on the same lot as the dwelling to which such structures are appurtenant.
18. Family day-care centers, foster care homes and private preschools.
19. Residential facilities for persons with a disability and residential facilities for elderly persons, subject to the standards set forth in zoning sections 3-42 and 3-43, respectively.
20. Churches and other structures for religious worship, and churches with a parsonage.
21. Premises occupations subject to the requirements of zoning section 3-35.

22. Home occupations, subject to the requirements of zoning section 3-36.
23. Public parks and historical monuments.
24. Landscape parks.
25. Botanical gardens and arboretums.
26. Man-made lakes, ponds, dams and other uncovered water impoundments; and covered water tanks and reservoirs which do not extend over two (2) feet above natural grade.
27. Marinas, subject to the provisions of zoning section 3-40.
28. Picnic grounds.
29. Minor campgrounds, and appurtenant campsite facilities, for noncommercial use and where no fees are collected.
30. Fences, walls, and landscaping, subject to the conditions set forth in zoning sections 3-20 and 3-21.
  - 30.1 A Cellular telephone, radio, television, or other microwave transmission facility which has a license from the Federal Communication or it's successor agency.
31. Signs, subject to the provisions of zoning section 3-37.
32. Unlighted roping and riding arenas, and lighted arenas which are totally enclosed by the roof and walls of a farm building.
33. Windmills.
34. Short-term concrete and asphalt mixing plants, subject to the provisions of zoning section 3-38.
35. Buildings and appurtenant grounds and facilities, when such are owned and occupied by a governmental agency and used for one or more of the following:
  - a. Fire and police stations, plus buildings housing ambulance and similar emergency service vehicles and equipment.
  - b. Buildings and yards for the storage and upkeep of vehicles and equipment required for the maintenance and operation of roads, utility systems and other functions of the governmental entity.
  - c. Office buildings housing the administrative and governmental activities of the agency; group assembly rooms; and post offices.

#### C. PERMITTED CONDITIONAL USES

In the M&G-1 zone the following buildings, structures, and uses of land shall not be permitted by the Zoning Administrator unless approval of a conditional use permit has been authorized in accordance with the zoning ordinance by the designated reviewing agency:

1. An automobile or motorcycle race track or race course which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

2. A rock crusher which the Board of Adjustment has approved as a special exception according to the provisions of section 7-21 of the Utah County Land Use Ordinance, and which rock crusher is both (i) located within the bonded portion of the pit which pit boundaries must be contiguous, as described on the approved reclamation plan for which a reclamation bond has been filed with the County, or with the State Division of Oil, Gas and Mining (DOGM), and (ii) used to crush rock derived exclusively from within said bonded pit boundaries.

2.1 A concrete batch plant, asphalt batch plant, mineral reduction plant or mineral processing plant, which the Board of Adjustment has approved as a special exception according to the provisions of section 7-21 of the Utah County Land Use Ordinance, and which concrete batch plant, asphalt batch plant mineral reduction plant or mineral processing plant, is both (i) located within the bonded portion of the pit boundaries, which pit boundaries must be contiguous, as described on the approved reclamation plan for which a reclamation bond has been filed with the County, or with the State Division of Oil, Gas and Mining (DOGM), and (ii) used to batch concrete, batch asphalt, reduce minerals or process minerals composed of not less than 55% of earth products (rock, sand, gravel, minerals, and related products) derived exclusively from within said pit boundaries. The percentage of earth products derived exclusively from within the bonded pit boundaries shall be determined by the input weight of the component earth product materials.

3. A correctional institution which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

4. An electrical power generation plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

5. A fairground, rodeo arena or horse race track, which is operated by a public agency and which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

6. A man-made lake, pond, dam or other uncovered water reservoir over ten (10) acre feet in capacity, or a covered water tank or reservoir which extends over two (2) feet above natural grade, when such is found to be compatible with the surrounding neighborhood and approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

7. A preschool, or primary or secondary school, which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.

8. Deleted

9. A roping and riding arena which is lighted but not totally enclosed within a farm structure, when approved by the Board of Adjustment as a special exception according to the provisions of zoning section 7-21.

10. A sanitary landfill, and any ancillary trucking, grinding, compacting or similar facility on the same site as the landfill, which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.
11. A water treatment plant or sewage treatment plant which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21.
12. A nursing home or residential treatment center which the Board of Adjustment has approved as a special exception according to the provisions of zoning section 7-21, and which meets the supplemental requirements of zone section 3-57.
13. A hunting preserve or a shotgun, pistol or rifle shooting range (plus incidental accessory structures) which the Planning Commission has issued a conditional use permit according to the provisions of zoning section 7-24-D, and subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction, and continuing management.
14. A helicopter pad, landing strip, flying field, or airport (including terminal and aircraft storage facilities) which the Planning Commission has issued a conditional use permit according to the provisions of zoning sections 3-46 and 7-24-D.
15. A building or facility for the manufacture or storage of explosives (plus appurtenant facilities), or explosives storage facility, which the Planning Commission has issued a conditional use permit according to the provisions of zoning sections 3-47 and 7-24-D.
16. A public park facility which the Planning Commission has approved in a public park and issued a conditional use permit according to the provisions of zoning sections 3-48 and 7-24-D.
17. A landscape park recreational facility which the Planning Commission has approved in a landscape park and issued a conditional use permit according to the provisions of zoning sections 3-49 and 7-24-D.
18. A major campground (and appurtenant campsite facilities) for noncommercial use, when issued a conditional use permit by the Planning Commission according to the provisions of zoning sections 3-50 and 7-24-D.
19. A cemetery which has been granted a conditional use permit by the Planning Commission according to the provisions of zoning sections 3-52 and 7-24-D.
20. An electric power transmission line over 69 kv capacity (and rights-of-way and substations) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.
21. A gas transmission line having a design pressure of 600 psi or more, or a pipe diameter of 16" or more (and rights-of-way and stations) when granted a conditional use permit by the Commission according to the provisions of zoning section 3-45.
22. A water transmission line having a capacity greater than 200 cubic feet per second (and rights-of-way) when granted a conditional use permit by the County Commission according to the provisions of zoning section 3-45.

23. A planned subdivision which has been granted a conditional use permit and plat approval by the County Commission according to the procedures and conditions set forth in zoning sections 6-1 and 6-3.

#### D. AREA REQUIREMENTS

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, foster care home, family day-care center, residential facility for handicapped persons, or residential facility for elderly persons, shall be located on a lot containing at least fifty (50) acres of land.

However, without regard to the acreage requirement stated above, if the property is included in a recorded large-scale development plat, the minimum required area shall be the entire undivided lot or dwelling site as depicted on such plat.

2. Each residential treatment center shall be located on a lot containing at least fifty (50) acres of land.

3. Each planned subdivision shall be located on a lot containing at least fifty (50) acres of land.

4. Each parcel resulting from the division of agricultural land for agricultural purposes under the exemption from the plat filing requirements, as provided pursuant to the provisions of Section 3-53-B-1 of the Utah County Zoning Ordinance and Section 17-27-806(2) of the Utah Code Annotated, 1953 as amended, shall not be less than fifty (50) acres in area, as shown on the approved and recorded record of survey map.

5. Each church or other structure for religious worship shall be located on a lot containing at least two and one-half (2 ½) acres of land; each church with a parsonage shall be on a lot containing fifty (50) acres of land.

6. Each major campground and its appurtenant campsite facilities shall be located on a lot containing at least fifty (50) acres of land.

7. Each minor campground and its appurtenant campsite facilities shall be located on a lot containing at least five (5) acres for each recreation vehicle pad, tent site, or other campsite in the campground.

8. Each landscape park containing approved recreational facilities and each public park containing approved concessions or facilities shall be located on a lot containing at least five (5) acres of land.

9. Each governmental building and facility permitted according to the provisions of zoning section 5-7-B-37 shall be located on a lot containing at least five (5) acres of land.

10. For other permitted structures and uses, there shall be no minimum area requirement except as may be necessary to meet the other provisions of this ordinance.

#### E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, family day-care center, foster care home, residential facility for handicapped persons, or residential facility for elderly persons, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

However, without regard to the width requirement stated above, if the property is included in a recorded large-scale development plat, the required width shall be the width of the undivided lot or dwelling site as depicted on such plat.

2. For each residential treatment center the minimum width of the lot between the frontage and the structure shall be three hundred thirty (330) feet.

3. For each church or other structure for public worship, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

4. For each preschool, or primary or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5. For each public park containing approved concessions or landscape park containing approved recreational facilities, the minimum width of the lot along the road frontage shall be three hundred thirty (330) feet.

6. For each governmental building and facility permitted under zoning section 5-7-B-37, the minimum width of the lot along the road frontage shall be three hundred thirty (330) feet.

7. For other permitted structures and uses, there shall be no minimum width requirements except as may be required under other provisions of this ordinance.

#### F. LOCATION REQUIREMENTS

The minimum location requirements within the M&G-1 zone shall be as follows:

##### 1. Front Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44, shall have a front setback of at least thirty (30) feet, unless a greater setback is required by Section 3-16 of this ordinance.

##### 2. Side and Rear Setback

All buildings and structures, other than certain public facilities, landscaping features and fences which meet the standards of zoning sections 3-20, 3-21 and 3-44 of this ordinance, shall have a side and rear setback of at least twenty-five (25) feet, unless a greater setback is required by Section 3-16 of this ordinance.

**Exception:** The side setback may be reduced to ten (10) feet for a one-story accessory building which has a fire-resistive rating of one (1) hour or more, is not occupied by human beings, and is located at least fifty (50) feet from any dwelling and at least one hundred (100) feet from the nearest right-of way line of any public street.

## G. HEIGHT REQUIREMENTS

The height requirements within the M&G-1 Zone shall be as follows:

1. The maximum permissible height of any structure shall be forty (40) feet as measured from the currently adopted building construction codes of Utah County or by any future edition of these codes that may be adopted.

**Exception 1:** An antenna of a “stealth telecommunications transmission facility” which is attached to an existing pole of an electrical (or other utility) line (or placed on a replacement pole therein) may exceed the initial elevation of such pole by no more than 10 feet.

**Exception 2:** For large scale utility line structures, there shall be no maximum height.

**Exception 3:** Otherwise, a height in excess of 40 feet, if for unoccupied structures, may be approved by the Board of Adjustment as a special exception granted according to the terms of zoning section 7-21.

Note: The provisions of the APO Airport Overlay Zone, setback standards, or other provisions of the ordinance may result in a lesser height than that stated above.

2. The minimum height of any dwelling shall be eight (8) feet above natural grade

## H. DWELLINGS SIZE AND PATTERN

For any one-family dwelling, manufactured home, or other building containing a dwelling unit permitted in the zone:

1. The combined minimum habitable floor area of the ground level story and any habitable stories above the ground level shall be not less than eleven-hundred (1100) square feet, excluding basements, decks, patios, garages, unoccupied areas and nonhabitable areas.

2. The roof shall have a slope of 2 to 12 or greater, shall have a nonreflective covering (exception: solar collection cells), and shall have eaves (including attached gutters) that extend at least six (6) inches beyond the walls.

3. The exterior siding material, other than windows and solar collection cells, shall be nonreflective.

## I. SPECIAL REQUIREMENTS

1. The yards around buildings shall be kept free of debris, refuse, weeds, and other flammable material which may constitute a fire hazard.

2. No occupied building for which the sewage or septic waste is disposed of in the soil shall be approved if the sewage disposal site has a slope exceeding thirty (30) percent.

3. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil.



4. The grade of roads and driveways which serve a dwelling unit or other occupied structure shall not exceed twelve (12) percent, and the road shall be maintained so as to be readily accessible to emergency vehicles.

5. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be re-seeded with plant material having sufficient concentration to screen at least twenty-five (25) percent of the exposed surface from view.

***Exception:*** Areas of desert land which naturally lack soil or vegetation shall be restored to a surface that corresponds with the native condition, rather than soil and/or re-seeding.

#### J. SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in Chapter 3, entitled Supplementary Requirements and Procedures Applicable Within Zones and all other provisions of the zoning ordinance.